

REMARKS

I. Introduction

The Present Amendment is in response to the Office Action mailed September 20, 2006. The Office Action raised various rejections to the pending claims over the art based on 35 U.S.C. §§ 102 and 103. The Office Action indicated that claims 12-20 and 44 are allowed. In the Office Action it was also indicated that claims 4, 7, 24, 27, 33 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 33 directly depends from independent claim 32. Applicant has included the limitation from claim 33 in claim 32 as indicated in the Office Action.

In the present Amendment, claims 25 and 33 have been cancelled, and claims 1, 6, 21 and 32 are amended and presented herein. As a result, claims 1-4, 6-10, 12-24, 27, 29-32, 34-39 and 41-45 are now pending in view of the above amendments. Applicant respectfully submits that the claims are now in a condition for allowance.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Applicant does not admit any characterizations of the cited art not specifically addressed herein and Applicant reserves the right to present arguments at a future time if necessary. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Applicant notes that replacement sheets of drawings were submitted with the response filed June 23, 2006. Unfortunately, there is no indication in the Office Action if the drawings were acceptable. Applicant respectfully requests that an indication regarding the acceptability of the drawing be provided.

II. Rejections under 35 U.S.C. § 102

In the Office Action claims 1-3, 6, 8-10, 21-23, 25, 29-32, 34, 35, 37-39, 41, 42, and 45 were rejected under 35 U.S.C. § 102 as being anticipated by United States Patent No. 4, 550,689 ("the Hardee Patent"). The Hardee Patent discloses a portable system for heating water that includes a housing 12, a heat exchanger 50, and a burner section 72. "Burner section generally

72 is located within the housing 12 and proximate to inlet section 48 of heat exchanger 50." Col 7, ll. 47-48.

In contrast, claim 1, as amended and presented herein, recites "a plurality of fuel burners". The Hardee Patent neither teaches nor suggests that a plurality of burners could be used to heat the heat exchanger 50. Further, as shown in Figures 2 and 3 of the Hardee Patent, at least a portion of the burner 72 is within the heat exchanger 50. This is most clearly illustrated in Figure 2 of the Hardee Patent, which is a partial cross-sectional view of the device, in which the coils themselves of both the interior coil 54 and the exterior coil 66 of the heat exchanger 50 (see Figure 3) surrounding the burner 72 are partially cut away to show the burner 72. Accordingly, the heater in the Hardee Patent does not meet the recited limitation requiring that the fuel burner be "entirely outside" the coiled tube or heat transfer conduit as recited in claims 1, 21, and 32. While Figure 4 of Hardee does appear to depict burner 72 as being "entirely outside" heat exchanger 50, Figure 4 is merely "a schematic representation" rather than a drawing of the device.

In addition, claim 21, as amended and presented herein, requires that the fuel burner be "situated in relation to the heat transfer conduit so as to evenly distribute heat along the length of the heat transfer conduit." The Hardee Patent does not teach or suggest such a limitation. It is clear from Figures 2 and 3 that the first end 56 of the heat exchanger 50 is very close to the burner 72 and the flame, while the second end 58 of the heat exchanger 50 is much further away from the flame and does not receive the direct heat. As a result, the burner in the Hardee Patent is not "situated in relation to the heat transfer conduit so as to evenly distribute heat along the length of the heat transfer conduit." Applicant submits that the Hardee Patent does not teach or suggest this limitation.

As previously indicated, claim 32 has been amended to recite that "the coiled tubing is disposed about a horizontal axis in the housing." This limitation was previously in dependent claim 33, which the Office Action indicated was objected to. Applicant respectfully submits that the Hardee Patent neither teaches nor suggests such a limitation.

Accordingly, for at least these reasons, independent claims 1, 21 and 32 overcome the cited art and are in a condition for allowance. Similarly, dependant claims 2-4, 6-10, 22-24, 27, 29-31, 34-39 and 41-45 also overcome the cited art for at least the same reasons. Applicant

respectfully submits the prior art of record has been overcome and the rejections should be withdrawn.

III. Rejections under 35 U.S.C. § 103

In the Office Action, claim 43 was rejected as being obvious over the Hardee Patent in view of United States Patent No. 1,618,434 ("the Humphrey Patent"). Claim 43 depends from independent claim 1. For the same reasons discussed above relative to claim 1, Applicant respectfully submits that claim 43 is neither disclosed nor suggested by the Hardee Patent or the Humphrey Patent, alone or in combination. Accordingly, this rejection should be withdrawn.

IV. Conclusion

Applicant respectfully submits that claims 1-4, 6-10, 12-24, 27, 29-32, 34-39 and 41-45, as amended and presented herein, are in a condition for allowance. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 20th day of March, 2007.

Respectfully submitted,



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